

MAR 8 - 2019

## SENATE CONCURRENT RESOLUTION

REQUESTING ADDITIONAL PROTECTIONS FOR THE MAUNA KEA SUMMIT DUE  
TO ITS RELIGIOUS SIGNIFICANCE AND IMPORTANT CULTURAL AND  
NATURAL RESOURCES.

1 WHEREAS, Native Hawaiians consider Mauna Kea to be an  
2 ancestor, a living family member, born of Wākea (Sky Father) and  
3 Papa (Earth Mother), progenitors of the Native Hawaiian people  
4 and the place where Sky and Earth separated to form the Great-  
5 Expanse-of-Space and the Heavenly Realms; and

6  
7 WHEREAS, Mauna Kea is a wao akua (the place where gods  
8 reside or home of nā akua), the realm of ancestral akua (gods,  
9 goddesses, and deities or nā 'aumakua), where akua take earthly  
10 form as the pu'u (hill or peak), the waters of Lake Waiau, and  
11 other significant landscape features, and is a wahi pana  
12 (storied place); and

13  
14 WHEREAS, many Native Hawaiian traditional and customary  
15 religious practitioners consider the summit a place dedicated to  
16 the Supreme Being and perform temple ceremonies including those  
17 that honor the time of the polohiwa (Solstice and Equinox)  
18 throughout the year; and

19  
20 WHEREAS, according to *Native Hawaiian Environment* by Kumu  
21 Hula Pualani Kanaka'ole Kanahale, "Mauna Kea is also the piko, or  
22 navel, of the island, and this is another reason the mountain  
23 and the area around it is considered sacred" by Native  
24 Hawaiians; and

25  
26 WHEREAS, Native Hawaiian traditional and customary  
27 practices are derived from these beliefs; and

28  
29 WHEREAS, the large number of shrines on and near the summit  
30 of Mauna Kea indicate that the summit was and continues to be  
31 used as a place of worship for the snow goddess Poli'ahu and  
32 other akua and 'aumakua such as Kūkahau, Līlīnoe, and Waiau; and



1  
2 WHEREAS, approximately 11,000 acres of the Mauna Kea  
3 summit, an area spanning from 6,000 feet (saddle road) to 13,796  
4 feet in elevation, is within the conservation district; and  
5

6 WHEREAS, a number of rare, vulnerable, or endangered  
7 plants, animals, and arthropods found nowhere else on the planet  
8 live within the Mauna Kea conservation district; and  
9

10 WHEREAS, the native bird species that reside within the  
11 conservation district include the Palila (*Loxioides bailleui*),  
12 'Amakihi (*Hemignathus virens*), 'Apapane (*Himatione sanguinea*),  
13 'Elepaio (*Chasiempis sandwichensis*), 'Akiapola'au (*Hemignathus*  
14 *munroi*), and 'I'iwi (*Vestiaria coccinea*), and of these species  
15 only the Palila, 'Amakihi, 'Apapane, and 'I'iwi have been observed  
16 at Halepōhaku in recent times; and  
17

18 WHEREAS, the māmane-naio forest on the southwestern,  
19 eastern, and northern slopes of Mauna Kea houses the entire  
20 world population of the Palila (*Loxioides bailleui*) bird, the  
21 iconic Hawaiian honeycreeper endemic to the island of Hawai'i and  
22 specifically Mauna Kea, and the last finch-billed honeycreeper  
23 in the main Hawaiian islands; and  
24

25 WHEREAS, the Mauna Kea 'Āhinahina (sliver sword), 'Io  
26 (Hawaiian hawk), Pueo (owl), Palila (honeycreeper), 'Ōpe'ape'a  
27 (bat), and Aoa (sandalwood) are all rare, vulnerable, or listed  
28 as officially endangered by the federal government; and  
29

30 WHEREAS, the Māmane woodlands are home to a wide variety of  
31 native arthropods (insects and spiders) and the arthropod  
32 community on the summit is highly unusual in that it is mostly  
33 made up of predators and scavengers rather than herbivores; and  
34

35 WHEREAS, notable arthropods living on the summit include  
36 the Wēkiu bug (*Nysius wekiuicola*), which is endemic to the  
37 northern plateau area of Mauna Kea and has gained the attention  
38 and interest of scientists, conservationists, and the public  
39 because of its very restricted range and peculiar life history,  
40 and two moth species unique to Hawai'i island and found on Mauna  
41 Kea at elevations of 9,000 feet and higher; and



1  
2 WHEREAS, the Alpine shrublands of Mauna Kea are inhabited  
3 mainly by low-lying shrubby species such as Pūkiawe  
4 (*Leptecophylla tameiameia*), 'Ōhelo (*Vaccinium reticulatum*), and  
5 Mauna Kea dubautia (*Dubautia arborea*); scattered grasses such as  
6 Hawaiian bentgrass (*Agrostis sandwicensis*), and Pili uka  
7 (*Trisetum glomeratum*); and native ferns such as Douglas'  
8 bladderfern (*Cystopteris douglasii*), Kalamoho (*Pellaea*  
9 *ternifolia*), 'Olali'i (*Asplenium trichomanes*), and 'Iwa'iwa (bird's  
10 nest ferns, *Asplenium adiantum-nigrum*); and  
11

12 WHEREAS, historically common but now rare species found in  
13 the Alpine shrublands include 'Āhinahina (*Argyroxiphium*  
14 *sandwicense* ssp. *sandwicense*), lava dubautia (*Dubautia ciliolata*  
15 ssp. *ciliolata*), 'Ōhelopapa (Hawaiian strawberry, *Fragraria*  
16 *chiloensis*), 'Ena'ena (*Pseudognaphalium sandwicense*), Nohoanu  
17 (*Geranium cuneatum* ssp. *hololeucum*), and alpine tetramolopium  
18 (*Tetramolopium humile* ssp. *humile* var. *humile*); and  
19

20 WHEREAS, of the twenty-one lichen species found on the  
21 summit of Mauna Kea, at least half are endemic to Hawai'i island;  
22 two, *Pseudephebe pubescens* and *Umbilicaria pacifica*, are limited  
23 to Mauna Kea alone; and the remaining species are indigenous to  
24 the Hawaiian islands; and  
25

26 WHEREAS, Mauna Kea sits atop five aquifer systems that  
27 provide water throughout Hawaii island and to date there has  
28 been no comprehensive hydrological study of the summit; and  
29

30 WHEREAS, the Mauna Kea summit area is composed of Hawaiian  
31 Kingdom Crown and Government lands, also known as ceded lands,  
32 and is now part of the public land trust and subject to the  
33 public trust doctrine set forth in Article XI, section 1, of the  
34 Hawaii State Constitution that holds natural resources in trust  
35 by the State for the benefit of the people; and  
36

37 WHEREAS, Native Hawaiians have unrelinquished and undivided  
38 ownership interest in the summit of Mauna Kea and as such have  
39 additional special customary and traditional rights to practice  
40 and access the summit; and  
41



1 WHEREAS, Article XII, section 7, of the Hawaii State  
2 Constitution gives the State a duty to "protect all rights,  
3 customarily and traditionally exercised for subsistence,  
4 cultural and religious purposes" and new development,  
5 construction, and other use of ground-disturbing machines may  
6 disturb sacred sites or impede on Native Hawaiian rights to  
7 access the Mauna Kea summit for traditional, customary, and  
8 subsistence purposes; and  
9

10 WHEREAS, the approximately 11,000 acres of the Mauna Kea  
11 summit are currently within the conservation district and  
12 section 13-5-30(c)(4), Hawaii Administrative Rules, prohibits a  
13 proposed land use in the conservation district that will cause a  
14 substantial adverse impact to existing natural resources; and  
15

16 WHEREAS, the State has created a management framework that  
17 protects conservation land against further degradation  
18 regardless of whether the lands have already been adversely  
19 affected in the past; however, this has not protected the summit  
20 of Mauna Kea from the threat of future adverse impacts caused by  
21 new development; and  
22

23 WHEREAS, any future adverse impacts caused by new  
24 development on the Mauna Kea summit conservation land will put  
25 the rare and endangered plants, animals, arthropods, fragile  
26 ecological environments, and sacred sites on Mauna Kea at risk  
27 as destruction of specific and subtle features of the  
28 terrestrial environment found on the Mauna Kea summit may lead  
29 to reduced populations of any one of these unique, rare, or  
30 endangered organisms; and  
31

32 WHEREAS, there is a high risk of invasive plants and  
33 animals migrating to the summit and surrounding areas on workers  
34 and machines if there is new development, and invasive species  
35 would endanger endemic organisms; and  
36

37 WHEREAS, continued research leading to a detailed  
38 understanding of these life forms is necessary for establishing  
39 conservation parameters; now, therefore,  
40

41 BE IT RESOLVED by the Senate of the Thirtieth Legislature  
42 of the State of Hawaii, Regular Session of 2019, the House of



1 Representatives concurring, that this body requests additional  
2 protections for the Mauna Kea summit from 6,000 feet (saddle  
3 road) to 13,796 feet elevation above sea level due to its  
4 religious significance and important cultural and natural  
5 resources; and  
6

7 BE IT FURTHER RESOLVED that this body recognizes that new  
8 development on Mauna Kea conservation land would adversely  
9 affect the fragile cultural and natural resources of the summit  
10 of Mauna Kea and would violate the State's constitutional  
11 obligation to protect the public trust, natural resources,  
12 environmental rights, and Native Hawaiian customary and  
13 traditional rights; and  
14

15 BE IT FURTHER RESOLVED that certified copies of this  
16 Concurrent Resolution be transmitted to the Governor,  
17 Chairperson of the Board of Land and Natural Resources, Chair of  
18 the Hawaiian Homes Commission, President of the University of  
19 Hawai'i System, Chairperson of the University of Hawai'i Board of  
20 Regents, and Office of Mauna Kea Management.  
21  
22  
23

OFFERED BY:  \_\_\_\_\_

